

**THE LAW OFFICE OF  
JOHN A. FIALCOWITZ, LLC**

John A. Fialcowitz  
89 Headquarters Plaza  
North Suite 1216  
Morristown, NJ 07960  
Telephone (973) 532-7208  
Email: john@fialcowitzlaw.com

*Local Counsel for Official Committee of Asbestos Claimants*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

In re:

DURO DYNE NATIONAL CORP., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-27963 MBK  
(jointly administered)

**FIFTH MONTHLY FEE STATEMENT OF THE LAW OFFICE  
OF JOHN A. FIALCOWITZ, LLC FOR THE PERIOD OF  
MARCH 1, 2019 THROUGH MARCH 31, 2019**

The Law Office of John A. Fialcowitz (“**Fialcowitz**”), local counsel for the Official Committee of Asbestos Claimants (the “**Committee**”), hereby submits this fifth monthly fee statement<sup>2</sup> for the period commencing March 1, 2019 through March 31, 2019 (the “**Fifth Fee Statement**”) pursuant to the *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained by Order of this Court*, dated December 18, 2018 (Docket No. 345) (the “**Interim Compensation Order**”).

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

<sup>2</sup> Fialcowitz filed his *First Interim Fee Application of the Law Office of John A. Fialcowitz, LLC for Allowance of Fees and Reimbursement of Expenses* on December 14, 2018 in lieu of his first monthly fee statement (Docket No. 340).

Pursuant to the Interim Compensation Order, responses to the Fifth Fee Statement, if any, are due by May 4, 2019.

Dated: April 25, 2019

Respectfully submitted,

**THE LAW OFFICE OF  
JOHN A. FIALCOWITZ, LLC**

By: /s/ John A. Fialcowitz  
John A. Fialcowitz  
89 Headquarters Plaza North, Ste. 1216  
Morristown, NJ 07960  
Telephone: (973) 532-7208

*Local Counsel to the Office Committee of  
Asbestos Claimants*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET**

Debtor: Duro Dyne National Corp., et al.<sup>1</sup> Applicant: The Law Office of John A. Fialcowitz, LLC

Case No.: 18-27963 (MBK) Client: Official Committee of Asbestos Claimants

Chapter: 11 Case Filed: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION  
UNDER PENALTY OR PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

RETENTION ORDER (S) ATTACHED AS EXHIBIT B

**FIFTH MONTHLY FEE STATEMENT<sup>2</sup> OF THE LAW OFFICE OF JOHN A.  
FIALCOWITZ, LLC FOR THE PERIOD FROM  
MARCH 1, 2019 THROUGH MARCH 31, 2019**

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**SECTION 1  
FEE SUMMARY**

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	<b><u>FEES</u></b>	<b><u>EXPENSES</u></b>
TOTAL PREVIOUSLY REQUESTED	\$34,352.50	\$1,739.25
TOTAL ALLOWED TO DATE	\$34,352.50	\$1,739.25
TOTAL RETAINER (IF APPLICABLE)	N/A	N/A
TOTAL HOLDBACK (IF APPLICABLE)	N/A	N/A
TOTAL RECEIVED BY APPLICANT	\$24,309.80	
FEE TOTALS – PAGE 2	\$16,965.00	
DISBURSEMENT TOTALS – PAGE 3		\$1,231.92
TOTAL FEE APPLICATION		
MINUS 20% HOLDBACK	\$3,393.00	
AMOUNT SOUGHT AT THIS TIME	\$14,803.92	

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<sup>1</sup> The “Debtors” in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are Duro Dyne National Corp. (4664), Duro Dyne Machinery Corp. (9699), Duro Dyne Corporation (3616), Duro Dyne West Corp. (5943), and Duro Dyne Midwest Corp. (4662).

<sup>2</sup> Fialcowitz’s first monthly fee statement was also filed as an interim fee application under the title *First Interim Fee Application of The Law Office of John A. Fialcowitz, LLC for Allowance of Fees and Reimbursement of Expenses* on December 14, 2018 (Docket No. 340).

<b>NAME OF PROFESSIONAL &amp; TITLE</b>	<b>YEAR ADMITTED</b>	<b>HOURS</b>	<b>RATE</b>	<b>FEE</b>
John A. Fialcowitz	1995	52.2	\$325.00	\$16,965.01
<b>TOTAL FEES</b>				<b>\$16,965.00</b>

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**SECTION II  
SUMMARY OF SERVICES**

<b>SERVICES RENDERED</b>	<b>HOURS</b>	<b>FEE</b>
<b>Asset Analysis and Recovery</b>		
<b>Business Operations</b>		
<b>Case Administration</b>		
<b>Claims Administration and Objections</b>		
<b>Fee Applications – Self</b>	1.5	\$487.50
<b>Financing</b>		
<b>Litigation</b>	43.1	\$14,007.50
<b>Plan and Disclosure Statement</b>		
<b>Relief from Stay Proceedings</b>		
<b>Tax Issues</b>		
<b>Committee Meetings/Conferences</b>		
<b>Travel Time</b>	5.4	\$1,755.00
<b>Docket Review &amp; File Maintenance</b>		
<b>Fee Applications – Others</b>	2.2	\$715.00
<b>Retention Applications – Others</b>		
<b>Retention Applications – Self</b>		
<b>Review Fee Application – Other Parties</b>		
<b>SERVICE TOTALS:</b>	52.2	\$16,965.00

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**SECTION III  
SUMMARY OF DISBURSEMENTS**

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<b>DISBURSEMENTS</b>	<b>AMOUNT</b>
Computer Assisted Legal Research	
Conference Call Charges	
Courier & Express Carriers	\$69.42
Court Reporting	
Fax	
Filing Fees	\$724.00
Other Research	
Pacer Fees	\$76.50
Postage	
Reproduction Services – In-house	
Reproduction Services – Outside	
Travel	
Other (specify):	\$362 (E Grim <i>pro hac vice</i> application fees)
<b>DISBURSEMENTS TOTALS:</b>	1,231.92

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**SECTION IV  
CASE HISTORY**

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(NOTE: Items 3 – 6 are not applicable to applications under 11 U.S.C. § 506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 8, 2018, effective as of September 27, 2018 [Docket No. 257]. See Order attached.
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:
  - (a) LBR9010-b(4) states that “[o]nly local counsel, and not the attorney admitted *pro hac vice*, may file papers, enter appearances, and receive notices and service of papers.” Consistent with my obligations as the Committee’s local counsel, I reviewed and filed all of the Committee’s submissions during the Application Period and appeared for the Committee at the Confirmation Hearings;

- (b) Fialcowitz, as local counsel for the Committee, assisted in the preparation and filing of the motions to approve the Federal, Midstates and Munich settlements and the related motions to seal and shorten time;
- (c) Fialcowitz prepared and filed his fourth interim fee application;
- (d) Fialcowitz assisted in the preparation, review and filing of the fourth interim fee applications for other Committee professionals;
- (e) Fialcowitz assisted the Committee in responding to the U.S. Trustee's appeal to the District Court and in preparing and filing related *pro hac vice* admission applications;
- (f) Fialcowitz performed other professional services as counsel for the Committee as necessary and appropriate in these chapter 11 cases.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (unknown at this time)
- (B) SECURED CREDITORS: (unknown at this time)
- (C) PRIORITY CREDITORS: (unknown at this time)
- (D) GENERAL UNSECURITED CREDITORS: (unknown at this time)

I certify under penalty of perjury that the above is true.

Dated: April 25, 2019

Respectfully submitted,

**THE LAW OFFICE OF JOHN A.  
FIALCOWITZ, LLC**

By: /s/ John A. Fialcowitz  
John A. Fialcowitz  
89 Headquarters Plaza North, Suite 1216  
Morristown, NJ 07960  
Telephone (973) 532-7208  
Email: john@fialcowitzlaw.com

# **EXHIBIT A**

**DURO DYNE NATIONAL CORP.**

**Services and Disbursements Related to Serving as Local Counsel to the  
Official Committee of Asbestos Claimants  
March 1, 2019 through March 31, 2019**

<b><u>Description of Services</u></b>	<b><u>Time</u></b>	<b><u>Charge</u></b>
Draft email to BMC Group re: filings and pleadings (3/1/19)	.1	\$32.50
Review and file E. Grim <i>pro hoc vice</i> Application (3/1/19)	.6	\$195.00
Draft certification of service (3/1/19)	.2	\$65.00
Review emails from team regarding various action items (3/1/19)	.5	\$162.50
Review multiple emails re upcoming confirmation hearing issues and tasks (3/4/19)	1.2	\$390.00
Draft e-mail notifying opposing counsel re E. Grimm appearing a confirmation hearing by telephone per Judge Kaplan's rules (3/4/19)	.2	\$65.00
Contact court conference service to arrange court appearance for Emily Grim (3/4/19)	.3	\$97.50
Assist in preparation reviewing and filing Federal settlement approval, sealing and short notice motions (3/4/19)	6.5	\$2,112.50
Review agenda for upcoming hearing (3/5/19)	.1	\$32.50
Review orders shortening time; email BMC Group to arrange for service of orders and Pleadings per court's orders (3/5/19)	.4	\$130.00
Assist in the review, preparation and filing revised proposed form of order (3/5/19)	.3	\$97.50



<b><u>Description of Services (continued)</u></b>	<b><u>Time</u></b>	<b><u>Charge</u></b>
Review objections to motions to approve settlements and to seal; update Gilbert and Kaplan teams (3/5/19)	.3	\$97.50
Perform prehearing preparation tasks as requested by Kaplan team (3/5/19)	1.4	\$455.00
Assist in the review, preparation and filing of the motions to approve the Midstates settlement, motions to seal the settlement amount and related motions to shorten time (3/5/19)	2.2	\$715.00
Assist in the review, preparation and filing of the motion to approve the Munich settlement, motions to seal settlement amount and related motions to shorten time (3/5/19)	1.3	\$422.50
Travel to Court for confirmation hearing (3/5/19)	1.4	\$455.00
Attendance a confirmation hearing in the United States bankruptcy Court District of New Jersey (3/5/19)	9.6	\$3,120.00
Travel from Court after confirmation hearing (3/5/18)	1.3	\$422.50
Perform hearing preparation tasks at the request of the Kaplan team (3/5/19)	1.7	\$552.50
Travel to Court for confirmation hearing (3/6/19)	1.4	\$455.00
Attendance at confirmation hearing in the United States Bankruptcy Court of the District of New Jersey (3/6/19)	8.6	\$2,795.00
Travel from Court after confirmation hearing (3/6/18)	1.3	\$422.50

<u>Description of Services (continued)</u>	<u>Time</u>	<u>Charge</u>
Draft follow-up email to Caplin team re February fee application deadline (3/8/19)	.1	\$32.50
Preparation of certifications of no objection for Fialcowitz, Gilbert and Charter Oak (3/8/19)	.6	\$195.00
Review orders shortening time entered by the Court (3/18/19)	.1	\$32.50
Draft letter to the Clerk of the Court, District of New Jersey regarding E. Grim <i>pro hac vice</i>	.3	\$97.50
Draft letter to New Jersey Fund for Client Protection regarding Grim <i>pro hoc vice</i> admission (3/19/19)	.3	\$97.50
Prepare and file Fialcowitz fourth monthly fee application (3/25/19)	1.5	\$487.50
Preparation of certificate of no objection Caplin third monthly fee application (3/25/19)	.2	\$65.00
Review and file Gilbert fourth monthly fee Application (3/25/19)	.4	\$130.00
Review and file Caplin fourth monthly fee Application (3/25/19)	.3	\$97.50
Preparation and filing of certification of service for fee applications (3/25/19)	.2	\$65.00
Telephone call with Jim Wehner regarding upcoming action items (3/26/19)	.2	\$65.00
Review and file Charter Oak fourth monthly fee application (3/27/19)	.4	\$130.00
Review local rules to determine whether <i>pro hac vice</i> admission before Bankruptcy Court carries over to District Court (3/27/19)	.5	\$162.50

<b><u>Description of Services (continued)</u></b>	<b><u>Time</u></b>	<b><u>Charge</u></b>
Telephone conference with Clerk of the Court, District Court as to whether new <i>pro hac vice</i> applications required for appeal (3/28/19)	.4	\$130.00
Preparation and filing of notice of appearance in District Court (3/28/19)	.2	\$65.00
Preparation of motion to admit J. Wehner, K. Maclay and J. Liesemer of Caplin firm <i>pro hac vice</i> to District Court for appeal (3/28/19)	3.5	\$1,137.50
Review appellate brief on U. S. Trustee's appeal (3/28/19)	.9	\$292.50
Review respondents brief on appeal (3/28/19)	1.2	<u>\$390.00</u> \$16,965.00
Subtotal – Fees		\$16,965.00
<b><u>Description of Disbursement</u></b>		<b><u>Charge</u></b>
PACER fees		\$76.50
Filing fees for motions		\$724.00
Fee paid to USDC for Grim <i>pro hac vice</i> admission		\$150.00
Fedex to USDC for Grim <i>pro hac vice</i> admission		\$19.04
Fee paid to NJ Fund for Client Protection for Grim <i>pro hac vice</i> admission		\$212.00
Fedex charge to ship materials back to Caplin from hearing		<u>\$50.38</u> \$1,231.92
Subtotal – Disbursements		\$1,231.92
<b>Total Amount Due for this Invoice</b>		<b>\$18,196.92</b>

# **EXHIBIT B**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LER 9004-2(c)

THE LAW OFFICE OF  
JOHN A. FIALCOWITZ, LLC  
John Fialcowitz (JF-0752)  
89 Headquarters Plaza North, Suite 1216  
Morristown, New Jersey 07960  
973.532.7208  
john@fialcowitzlaw.com  
*Proposed Co-Counsel for the  
Official Committee of Asbestos Claimants*

In re:

Duro Dyne National Corp., et al. <sup>1</sup>



Order Filed on November 8, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Chapter 11

Case No. 18-27963 (MBK)

Jointly Administered

**ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF THE LAW  
OFFICE OF JOHN A. FIALCOWITZ, LLC AS CO-COUNSEL TO  
THE OFFICIAL COMMITTEE OF ASBESTOS CLAIMANTS**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby  
ORDERED.

DATED: November 8, 2018

Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Debtor: Duro Dyne National Corp., et al., et al.

Case No.: 18-27963 (MBK)

Caption: Order Authorizing the Employment and Retention of John A. Fialcowitz, LLC as Co-Counsel to the Official Committee of Asbestos Claimants

Upon consideration of the application (the "Application") of the Official Committee of Asbestos Claimants (the "Committee") for entry of an order authorizing the employment and retention of the Law Office of John A. Fialcowitz, LLC ("Fialcowitz") as co-counsel to the Committee, effective as of the Petition Date (September 7, 2018), and upon consideration of the Fialcowitz Declaration submitted in support of the Application; and the Court being satisfied, based on representations made in the Application that (i) Fialcowitz does not represent any person or entity having an interest adverse to the Committee or to the asbestos-related creditors of the Debtors' estates in connection with the matters for which the Committee proposes to employ Fialcowitz, (ii) Fialcowitz is a "disinterested person" pursuant to sections 101(14) and 328(c) of the Bankruptcy Code, (iii) proper and adequate notice of the Application has been given and no other or further notice is necessary, and (iv) Fialcowitz's employment is necessary and in the best interest of the Committee; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §157 and §1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title II* of the United States District Court for the District of New Jersey dated September 18, 2012 (Simandle, C.J.);

**IT IS HEREBY ORDERED THAT:**

1. The Application is **GRANTED** as set forth herein.
2. The Committee is authorized to employ and retain Fialcowitz, effective as of the Petition Date, to serve as co-counsel to the Committee in these Chapter 11 cases.
3. Fialcowitz shall be compensated in accordance with sections 330 and 331 of the Bankruptcy Code, the applicable provisions of the Bankruptcy Rules, the Local Rules, and any

Page: 3

Debtor: Duro Dyne National Corp., et al., et al.

Case No.: 18-27963 (MBK)

Caption: Order Authorizing the Employment and Retention of John A. Halcowitz, LLC as Co-Counsel to the Official Committee of Asbestos Claimants

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order entered in this case governing professional compensation and reimbursement for services rendered and charges and disbursements incurred.

4. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Application or is otherwise waived.

5. The Committee is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

6. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from the implementation, interpretation and enforcement of the Order.